

REMARKS

This is a complete response to the outstanding final Office Action mailed July 14, 2005. Claims 13, 16 24, 30, 34, 37, 38, 39, and 40 have been amended herein. No new matter has been added. Upon entry of the enclosed claim amendments, claims 1-43 remain pending in the present application.

The Applicant traverses all of the objections and rejections of the Office Action. Applicant appreciates the Examiner's review of the above-identified patent application and respectfully requests reconsideration and allowance in view of the above amendments and following remarks.

I. Response to Claim Objections

Applicant has amended claims to comply with 37 CFR 1.75.

The above amendments should correct all objections raised by the Examiner. Applicant respectfully requests reconsideration and withdrawal of the objections in view of the above amendments.

II. Response to Claim Rejections 1, 3-5, 6, 9, 10, 12, 13, 14, 15, 19, 20, 21, 23, 24, 30, and 40 Based on Anticipation

In the Office Action, claims 1, 3-5, 6, 9, 10, 12, 13, 14, 15, 19, 20, 21, 23, 24, 30, and 40 have been preliminarily rejected as anticipated under 35 U.S.C. § 102(e). Specifically claims 1, 3-5, 6, 9, 10, 12, 13, 14, 15, 19, 20, 21, 23, 24, 30, and 40 have been rejected under 35 U.S.C. § 102(e) by U.S. Patent 6,404,884 to Marwell et al. (hereinafter, "Marwell").

A. Claim 1

Independent claim 1 reads:

A method of facilitating the transfer of a communication between a first device of an agent and a second device of a customer, said method comprising the steps of:

establishing a first textual communication session between the first device and the second device;

causing a list of destinations for a second communication session to be presented at said first device of said agent wherein ***the second communication session involves textual communication;***

receiving a selection of a selected destination from said list of destinations for said second communication session at said first device;

causing a request to transfer said second device of said customer to said second communication session to be sent to said selected destination; and

causing second communication session information to be sent to said second device.

(Emphasis Added)

The Applicant respectfully submits that the reference Marwell fails to disclose all of the above-emphasized elements of amended claim 1. Specifically, Marwell does not disclose a first textual or second textual communication session. Marwell discloses a

customer calling a Customer Service Representative (CSR), providing directory assistance via telephone and the CSR transferring the telephone call to the requested party. Marwell does not disclose a first textual or a second textual communication session. The references must disclose every element of the Applicant's claim. For at least this reason the claim rejection of anticipation should be withdrawn and claim 1 should be allowed as amended.

Although the office action does not assert that Applicant's claimed invention would be obvious in view of Marwell, the Applicant respectfully submits that the reference Marwell would not teach or suggest all of the above-emphasized elements of amended claim 1. The technology of Marwell involves receiving and transferring telephone calls. At the time of the invention, the equipment used to receive and transfer telephone calls would have been different from the equipment used to receive and transfer textual communications. In addition, at the time of the invention, the etiquette and expectation of customers would have been different along with the demands and expectations placed on agents to handle the communications. One of ordinary skill in the art would not have known nor would have had the motivation to combine the teachings used in Marwell with respect to handling textual, internet communications.

B. Claims 3-5, 6, 9, 10, and 12

The Applicant respectfully submits that since claims 3-5, 6, 9, 10, and 12 depend on independent claim 1, claims 3-5, 6,

9, 10, and 12 contain all limitations of independent claim 1. Since independent claim 1 should be allowed, as argued herein, pending dependent claims 2 - 9 should be allowed as a matter of law for at least this reason. In re Fine, 5 U.S.P.Q.2d 1596, 1608 (Fed. Cir. 1988).

C. Claim 13

The Applicant respectfully submits that the reference Marwell fails to disclose, teach, or suggest establishing a first textual communication session between the first device and the second device of amended claim 13. Specifically, Marwell does not disclose a first textual or a second textual communication session. For at least this reason, as previously discussed with regard to claim 1, the claim rejection of anticipation should be withdrawn and claim 13 should be allowed as amended.

D. Claims 14, 15, 19, 20, 21, and 23

The Applicant respectfully submits that since claims 14, 15, 19, 20, 21, and 23 depend on independent claim 13, claims 14, 15, 19, 20, 21, and 23 contain all limitations of independent claim 13. Since independent claim 13 should be

allowed, as argued herein, pending dependent claims 14, 15, 19, 20, 21, and 23 should be allowed as a matter of law for at least this reason. In re Fine, 5 U.S.P.Q.2d 1596, 1608 (Fed. Cir. 1988).

E. Claim 24

The Applicant respectfully submits that the reference Marwell fails to disclose, teach, or suggest establishing a first textual communication session between the first device and the second device of amended claim 24. Specifically, Marwell does not disclose a first textual or a second textual communication session. For at least this reason, as previously discussed with regard to claim 1, the claim rejection of anticipation should be withdrawn and claim 24 should be allowed as amended.

F. Claim 30

The Applicant respectfully submits that the reference Marwell fails to disclose, teach, or suggest establishing a first textual communication session between the first device and the second device of amended claim 30. Specifically, Marwell does not disclose a first textual or a second textual communication

session. For at least this reason, as previously discussed with regard to claim 1, the claim rejection of anticipation should be withdrawn and claim 30 should be allowed as amended.

G. Claim 40

The Applicant respectfully submits that the reference Marwell fails to disclose, teach, or suggest establishing a first textual communication session between the first device and the second device of amended claim 40. Specifically, Marwell does not disclose a first textual or a second textual communication session. For at least this reason, as previously discussed with regard to claim 1, the claim rejection of anticipation should be withdrawn and claim 40 should be allowed as amended.

III. Response to Claim Rejections 34, 37, and 39 Based on Anticipation

In the Office Action, claims 34, 37, and 39 have been preliminarily rejected as anticipated under 35 U.S.C. § 102(e).

Specifically claims 34, 37, and 39 have been rejected under 35

U.S.C. § 102(e) by U.S. Patent 6,215,865 to McCalmont et al.
(hereinafter, "McCalmont").

A. Claim 34

Independent claim 34 reads:

A method of operating a destination device to facilitate a communication between a first device of an agent and a second device of a customer using an intermediate device, said method comprising the steps of:

establishing a first textual communication session between the first device and the second device;

receiving first communication session information from said intermediate device;

causing a second communication session to be created **wherein the second communication session involves textual communication;**

causing said second device to be connected to said destination device via said second communication session;

causing said first communication session information to be associated with said second communication session;

causing said second communication session to be terminated without disconnecting said second device of said customer from said destination device;

when a third device of a second agent becomes available for connection to said second device, causing a third communication session to be created wherein the third communication session involves textual communication; and

causing said second device and said third device to be connected via said third communication session.

(Emphasis Added)

The Applicant respectfully submits that the reference McCalmont fails to disclose all of the above-emphasized elements of amended claim 34. Specifically, McCalmont does not disclose

a first textual and a second textual communication session. McCalmont discloses a customer placing a telephone call to a Customer Service Representative (CSR) and the CSR transferring the telephone call to another CSR. McCalmont does not disclose a first textual communication session. The references must disclose every element of the Applicant's claim. For at least this reason the claim rejection of anticipation should be withdrawn and claim 34 should be allowed as amended.

Although the office action does not assert that Applicant's claimed invention would be obvious in view of McCalmont, the Applicant respectfully submits that the reference McCalmont would not teach or suggest all of the above-emphasized elements of amended claim 34. The technology of McCalmont involves receiving telephone calls. At the time of the invention, the equipment used to receive and transfer telephone calls would have been different from the equipment used to receive and transfer textual communications. In addition, at the time of the invention, the etiquette and expectation of customers would have been different along with the demands and expectations placed on agents to handle the communications. One of ordinary skill in the art would not have known nor would have had the

motivation to combine the teachings used in McCalmont with respect to handling textual, internet communications.

B. Claim 37

The Applicant respectfully submits that the reference McCalmont fails to disclose, teach, or suggest establishing a first textual or a second textual communication session between the first device and the second device of amended claim 37. For at least this reason, as previously discussed with regard to claim 34, the claim rejection of anticipation should be withdrawn and claim 37 should be allowed as amended.

C. Claim 39

The Applicant respectfully submits that the reference McCalmont fails to disclose, teach, or suggest a first textual or second textual communication session. For at least this reason, as previously discussed with regard to claim 34, the claim rejection of anticipation should be withdrawn and claim 39 should be allowed as amended.

IV. Response to Claim Rejections 2, 7, 8, and 16-18 Based on

Obviousness

In the Office Action, claims 2, 7, 8, and 16-18 have been preliminarily rejected as obvious under 35 U.S.C. § 103. Specifically claims 2, 7, 8, and 16-18 have been rejected under 35 U.S.C. § 103 by U.S. Patent 6,404,884 to Marwell et al. (hereinafter, "Marwell") in view of U.S. Patent 6,215,865 to McCalmont (hereinafter, "McCalmont").

A. Claim 2, 7, 8 and 16

The Applicant respectfully submits that since claims 2, 7, 8 and 16 depend on independent claim 1, claims 2, 7, 8 and 16 contain all limitations of independent claim 1. The Applicant respectfully submits that both Marwell and McCalmont do not disclose **a first or a second textual communication session**. Marwell and McCalmont disclose a customer placing a telephone call to a Customer Service Representative (CSR) and the CSR transferring the telephone call.

The combination of Marwell and McCalmont would not teach or suggest establishing a first textual communication session between the first device and the second device. The technology of Marwell and McCalmont involves receiving and transferring telephone calls.

At the time of the invention, the equipment used to receive and transfer telephone calls would have been different from the equipment used to receive and transfer textual communications. In addition, at the time of the invention, the etiquette and

expectation of customers would have been different along with the demands and expectations placed on agents to handle the communications. One of ordinary skill in the art would not have known nor would have had the motivation to combine the teachings used in Marwell and McCalmont to handle textual, internet communications. For at least this reason the claim rejection of obviousness should be withdrawn and claims 2, 7, 8 and 16 should be allowed.

V. Response to Claim Rejections 11, 22, 26, 27, 28, 29, 31-33, and 41-43 Based on Obviousness

In the Office Action, claims 11, 22, 26, 27, 28, 29, 31-33, and 41-43 have been preliminarily rejected as obvious under 35 U.S.C. § 103. Specifically claims 11, 22, 26, 27, 28, 29, 31-33, and 41-43 have been rejected under 35 U.S.C. § 103 by U.S. Patent 6,404,884 to Marwell et al. (hereinafter, "Marwell") in view of U.S. Patent Application 20010054064 to Kannan (hereinafter, "Kannan").

A. Claims 11, 22, 26, 27, 28, 29, 31-33, and 41-43

The Applicant respectfully submits that an individual skilled in the art at the time of the invention would not have combined the disclosure of Marwell with the disclosure of Kannan. Kannan relates to customer service for World Wide Web

transactions. Marwell discloses a customer placing a telephone call to a Customer Service Representative (CSR) and the CSR transferring the telephone call to another CSR. At the time of the invention, the equipment used to receive and transfer telephone calls would have been different from the equipment used to receive and transfer textual communications. In addition, at the time of the invention, the etiquette and expectation of customers would have been different along with the demands and expectations placed on agents to handle the communications. One of ordinary skill in the art would not have known nor would have had the motivation to combine the teachings used in Marwell and Kannan.

Even if an individual skilled in the art at the time of the invention were to combine the teachings of Kannan and Marwell, which Applicant does not concede, the combined teachings fail to disclose, teach, or suggest all of the above-emphasized elements of claims 11, 22, 26, 27, 28, 29, 31-33, and 41-43. The Office Action cites to various aspects of Kannan as disclosing the above elements. However, the teaching of the reference must be viewed as a whole. In order for the rejection to read on the various aspects of Kannan as disclosing the above elements, the teachings of Kannan would have to be misinterpreted. Item 500 of Kannan is a web server, not a device of the customer service representative. Item 540 is the browser of the customer service representative. The first communication session would not be established between the agent and the customer. This misinterpretation is previously discussed in greater detail in the Response to Office Action mailed by the Application on 4/12/05. For at least these reasons

the claim rejection of obviousness should be withdrawn and claims 11, 22, 26, 27, 28, 29, 31-33, and 41-43 should be allowed.

VI. Response to Claim Rejections 25 and 38 Based on Obviousness

In the Office Action, claim 25 and 38 has been preliminarily rejected as obvious under 35 U.S.C. § 103. Specifically claims 25 and 38 have been rejected under 35 U.S.C. § 103 by U.S. Patent 6,404,884 to Marwell et al. (hereinafter, "Marwell") in view of U.S. patent No. 6,185,586 to Judson (hereinafter, "Judson").

A. Claims 25 and 38

The Applicant respectfully submits that an individual skilled in the art at the time of the invention would not have combined the disclosure of Marwell with the disclosure of Judson. Judson relates to a user display of a client machine during an Internet transaction. Marwell discloses a customer placing a telephone call to a Customer Service Representative (CSR) and the CSR transferring the telephone call to another CSR. At the time of the invention, the equipment used to receive and transfer telephone calls would have been different from the equipment used to receive and transfer Internet communications. In addition, at the time of the invention, the etiquette and expectation of

customers would have been different along with the demands and expectations placed on agents to handle the communications. One of ordinary skill in the art would not have known nor would have had the motivation to combine the teachings used in Marwell and Judson. For at least these reasons the claim rejection of obviousness should be withdrawn and claims 25 and 38 should be allowed.

VII. Response to Claim Rejections 35-36 Based on Obviousness

In the Office Action, claims 35-36 have been preliminarily rejected as obvious under 35 U.S.C. § 103. Specifically claims 35-36 have been rejected under 35 U.S.C. § 103 by U.S. Patent 6,215,865 to McCalmont (hereinafter, "McCalmont") in view of U.S. Patent Application 20010054064 to Kannan (hereinafter, "Kannan").

A. Claims 35-36

The Applicant respectfully submits that an individual skilled in the art at the time of the invention would not have combined the disclosure of McCalmont with the disclosure of Kannan. Kannan relates to customer service for World Wide Web

transactions. McCalmont discloses receiving and transferring telephone calls. At the time of the invention, the equipment used to receive and transfer telephone calls would have been different from the equipment used to receive and transfer textual communications. In addition, at the time of the invention, the etiquette and expectation of customers would have been different along with the demands and expectations placed on agents to handle the communications. One of ordinary skill in the art would not have known nor would have had the motivation to combine the teachings used in McCalmont and Kannan.

VIII. Prior Art Made of Record

The prior art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

CONCLUSION


In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and rejections have been traversed, rendered moot and/or accommodated, and that presently pending claims 1-43 are in

condition for allowance. Favorable reconsideration and allowance of the present application and the presently pending claims are hereby courteously requested. The examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

Respectfully submitted,

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